

EXHIBIT 38

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In the U.S. District Court
Southern District of New York

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Ashot Egiazaryan

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:

5

v.

:

:

NO. 11cv02670

6

Peter Zalmayev

:

:

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8

November 10, 2011

9

DEPOSITION OF:

10

Douglas Bloomfield,

11

a witness, called by counsel pursuant to notice,

12

commencing at 10:02 a.m., which was taken at the

Sperduto Law Firm, 1133 20th Street, NW, Washington,

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DC 20036

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25 HUDSON REPORTING & VIDEO

1-800-310-1769

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1 Appearances

2 Jonathan Lupkin, Esq.

3 Flemming, Zulack

4 One Liberty Plaza

5 New York, NY 10006

6 for the Plaintiff

7

8 James P. Golden, Esq.

9 Hamburg and Golden

10 1601 Market Street

11 suite 3310

12 Philadelphia, PA 19103-1443

13 for the Defendant

14

15 Kim H. Sperduto, Esq.

16 The Sperduto Law firm

17 1133 20th Street, NW

18 2nd floor

19 Washington, DC 20036

20 for the witness

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(Whereupon the matter commenced at

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10:02 a.m.)

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(The videographer makes an opening statement

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and the parties identify themselves)

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Stipulations

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(It is stipulated and agreed by and

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between counsel for the respective parties that

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the reading and signing of this transcript by the

11

witness are not waived.

12

It is further stipulated and agreed

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that the filing of this transcript with the clerk

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of the court be and the same is hereby waived.)

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* * * * *

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Whereupon,

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Douglas Bloomfield

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was called for examination by counsel and,

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after having been duly sworn, was examined

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and testified as follows:

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DIRECT EXAMINATION:

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BY MR. LUPKIN:

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Q. Good morning, Mr. Bloomfield.

00139

1 Q. It says: "Points are be good and
2 detailed/logical. Thanks."

3 Do you know what Mr. Akhmetshin is referring
4 to there?

5 A. You'll have to ask him.

6 Q. I will ask him but did you have an
7 understanding when you received this e-mail what
8 he was talking about?

9 A. The talking points.

10 Q. Those are the ones we were just talking
11 about, correct?

12 A. Yes.

13 Q. It says, goes on to say "my only
14 suggestion is to take thea name of Zhirinovsky out.
15 Too many names will cause confusion. Besides, the
16 story is about Ashot, not Zhirinovsky. Having him
17 will dilute our punch."

18 A. Yes.

19 Q. Did you ask Mr. Akhmetshin what he meant
20 by that? Withdrawn. Let me ask it a different way.

21 Do you recall having any discussions with
22 Mr. Zalmayev about whether or not to keep Vladimir
23 Zhirinovsky on the talking points?

24 A. Yes.

25 Q. How many such discussions did you have?

00140

1 A. One or two maybe.

2 Q. Were they over the telephone or in person?

3 A. Telephone.

4 Q. You said one or two of them. Do you have
5 a particular recollection of separate conversations
6 or do you have a recollection of conversations on
7 the subject?

8 A. Conversations on the subject, conversation
9 probably, singular, on the subject.

10 Q. Was Mr. Zalmayev a participant in that
11 conversation?

12 A. Probably.

13 Q. I'd like you to tell me what
14 Mr. Akhmetshin said to you and what you said to
15 Mr. Akhmetshin during this conversation.

16 A. Well, I think the point that was made was
17 taking Zhirinovsky's name out because all of the
18 long Russian names might be confusing to people.

19 Q. Was that Mr. Akhmetshin's thought?

20 A. It was one or the other. I don't know
21 which one.

22 Q. It was either Mr. Akhmetshin or
23 Mr. Zalmayev, correct?

24 A. That is correct.

25 Q. Did you agree with that?

00141

1 A. No.

2 Q. Why?

3 A. Because, first of all, I don't think
4 Americans are that inept at handling foreign names.

5 Secondly, I think Mr. Zhirinovsky is a
6 fairly well known figure and it would help clarify
7 the point they wanted to make by including a
8 reference to him by name and not just by
9 association.

10 Q. When you said that Mr. Zhirinovsky is a
11 well known figure, was it your belief that he was a
12 well known figure as opposed to Mr. Egiazaryan who
13 is not a well known figure?

14 MR. SPERDUTO: Form.

15 THE WITNESS: Yes.

16 BY MR. LUPKIN:

17 Q. Did you view Mr. Egiazaryan as a well
18 known figure at the time of this project?

19 A. He's not a household name.

20 Q. In your assessment at the time he was not
21 well known?

22 A. Correct.

23 Q. Now, moving up the chain, it says "on
24 2/25/11 at 5:27 p.m. Peter Zalmayev wrote."

25 Is this an e-mail that you received from